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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 DARIO DRAKES,

No. C 08-2686 SI (PR)

9 Petitioner,

**ORDER DENYING REQUEST
FOR A CERTIFICATE OF
APPEALABILITY**

10 v.
11

12 JERRY BROWN, Attorney General
of the State of California;
13 CHUCK ROSA, Warden, La Palma
Correctional Center


14 Respondents.
15 _____/

16 The Court denied the petition filed in the above-titled action, and entered judgment for
17 Respondents. Petitioner has filed a notice of appeal, which this Court deems a request for a
18 certificate of appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1991).

19 A certificate of appealability will not issue. Reasonable jurists would not “find the
20 district court’s assessment of the constitutional claims debatable or wrong.” Slack v. McDaniel,
21 529 U.S. 473, 484 (2000). Petitioner may seek a certificate of appealability from the Court of
22 Appeals.

23 **IT IS SO ORDERED.**

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25 DATED: January 21, 2010



SUSAN ILLSTON
United States District Judge